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Los Angeles, CA 90009-2957

Date March 2, 2004

FROM: Carole A. Mulchinski

TO: Examiner Amanda Le

Fax Number: 310-336-0285
Office Phone 310-336-6709
Number:

Fax Number: 703-872-9306
Office Phone
Number:

COMMENTS:

Attached is a copy of the postcard showing that our petition to revive was received by the United States Patent and Trademark Office on October 8, 2002. In addition, the petition to revive is attached and the original amendment is attached. Please call me at 310-336-6709 or call our patent attorney, Mr. Derrick M. Reid at 310-336-6709.

Carole A. Mulchinski

Paralegal

Total No. of Pages:

8 pages

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1 Derrick Michael Reid, Esq.
2 The Aerospace Corporation
3 PO Box 92957 M1/040
4 Los Angeles Ca 90009-2957

PATENT

OFFICIAL

Docket No. D-362

5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

6 ----- Petition to Revive
7 Applicant - Dafesh, Philip A.) Abandoned Application
8 Serial No. - 09/318,560) Abandoned Notice of
9 Filed - 05/26/99) Date: 9/10/2002
10 Title - Quadrature Product) Los Angeles, California
11 Subcarrier Modulation) Date: 10/01/02
12 System) Commissioner of Patents
13 Art Unit - 2634) and Trademarks
14 Examiner - Jiang, L. R.) Washington, DC, 20231

15 ----- Dear Sir:

PETITION TO REVIVE ABANDONED PATENT APPLICATION

17 Applicant hereby petitions the commissioner of patents to
18 revive abandoned patent application serial number 09/318,560, under
19 37CFR 1.181 or alternatively, 37 CFR 1.135.

20 The Commissioner of Patents and Trademarks is authorized to
21 charge Account No. 010428 for any fees deemed due in connection
22 with the filing of this document in the U.S. Patent and Trademark
23 Office. Under 37 CFR 1.181, this petition should be a no fee
24 petition, or alternative a petition under 37 CFR 1.135. (See CRF
25 1.17(1) and 1.17(m))

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1 Applicant submits herein a declaration of Derrick Michael
2 Reid, and attaches hereto a true and correct copy of the amendment
3 mailed for filing in the US PTO on 01/24/02.

4 REMARKS

5 Applicant's patent attorney, Derrick Michael Reid, prepared,
6 printed and personally mailed to the US PTO the herewith amendment
7 on 01/24/02. Apparently, that amendment got lost in the mail, at
8 about the time when the PTO, and other governmental institutions
9 were having trouble with mailing in view of collateral ANTHRAX
10 mailings. In the subject patent application, the claims were deemed
11 allowable, and the misplaced amendment was directly only to
12 correcting very minor informalities. The failure in mailing appears
13 to been unavoidable or at least unintentional. Applicant requests
14 revival of the patent application. Under 37 CFR 1.181, this
15 petition should be granted as the amendment should be deemed to
16 have been mailed, and as such, applicant should not be charged a
17 fee. Alternatively, this petition, under 37 CFR 1.135 should be
18 granted.

19
20
21
22
23 Respectfully Submitted

24 Derrick Michael Reid

25 Derrick Michael Reid

DECLARATION OF DERRICK MICHAEL REID

I Derrick Michael Reid hereby declare that:

1. I am the attorney of record, and I received in my office on or about 9/20/02, a 9/10/02 notice of abandonment for the above-referenced patent applications.
2. On 9/24/02, I checked my computer files, and examined the contents of file "D362amd.doc", and found that the file was 28KB in length and dated by my computer on 1/24/02.
3. I keep my computer date and time clock accurate to within one hour for changes in daylight saving times.
4. I then checked my billings for the month of January 2002, and realized that I was in my personal office that day of 1/24/02. I do not have a secretary, and my regular routine is to personally position papers for mailing by the exit door upon printing, and pick them up as I leave for home, stopping by the postal drop box on my way home, and I do personally mail amendments that are printed at home for filing, as my regular method of mailing. In the case of personally mailing by me with a certificate of mailing, my regular routine is to print two copies, one for mailing and another for the client file. I then prepare the mailing envelope, and stuff, stamp, and lick the envelope myself, and set the letter by the front door for mailing at the end of the day. On my way out of the office, I pick up the prepared envelopes, and go by the post office that is on the way home. I then personally mail one copy with proper postage in the post box to the patent office, and

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1 retain in my briefcase the second copy for filing in the client
2 file. A copy of the amendment was located in client file on 9/20/02
3 with the certificate of mailing. After reviewing the amendment,
4 certificate of mailing, 37 CFR, and the MPEP, this petition was
5 drafted on 9/27/02, for filing with the patent office.

6 5. On information and belief, the amendment apparently got lost in
7 the mail, and I am aware that there were mailing difficulties in
8 the US PTO in late 2001 and early 2002.

9 6. I hereby declare that all statements made herein are of my own
10 knowledge and are true, and that all statements made on information
11 and belief are believed to be true; and further that these
12 statements were made with the knowledge that willful false
13 statements and the like so made are punishable by fine or
14 imprisonment or both under Section 1001 of Title 18 of the United
15 States Code and that such willful false statements may jeopardize
16 the validity of the application or any patent issued thereon.

17 Derrick Michael Reid

18 Derrick Michael Reid

19 CERTIFICATE OF MAILING

20 I, hereby certify that this correspondence is being deposited
21 in the United States Postal Service in an envelop with First Class
22 full postal prepaid thereon addressed to: Commissioner of Patent
23 and Trademarks, Washington D.C. 20231.

24 Date: 10/01/02

Derrick Michael Reid

Derrick Michael Reid

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Derrick Michael Reid, Esq.

PATENT

The Aerospace Corporation

PO Box 92957 M1/040

Docket No. D-362

Los Angeles Ca 90009-2957

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant - Dafesh, Philip A.) Amendment Responsive to
Serial No. - 09/318,560) Office Action
Filed - 05/26/99) Dated:12/21/01
Title - Quadrature Product) Los Angeles, California
Subcarrier Modulation) Date: 01/24/02
System) Commissioner of Patents
Art Unit - 2634) and Trademarks
Examiner - Jiang, L. R.) Washington, DC, 20231

----- Dear Sir:

AMENDMENT RESPONSIVE TO OFFICE ACTION

Applicant amends the application as follows:

IN THE SPECIFICATION

Applicant amends the Specification as follows:

Page 1 line 21 change "xx/xx,xx" to "09/318,561".

Page 1 line 21 change "yy/yy/yy" to "05/26/99".

Page 2 line 26 delete "an".

Page 12 line 8 insert "is" befor "to".

Page 12 line 19 change "on to" to "onto".

Page 14 line 19 change "the" to "for".

Abstract line 9 change "envelop" to "envelope".

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OFFICE OF PETITIONS

IN THE CLAIMS

Applicant amends the Claims as follows:

Claim 1 line 33 change "envelop" to "envelope".

Claim 6 line 2 delete "for".

Claim 8 line 6 change "an" to "a".

Claim 8 line 8 change "an" to "a".

Claim 8 line 31 change "an" to "a".

Claim 8 line 41 change "envelop" to "envelope".

Claim 10 line 1 delete "for".

Claim 18 line 1 change "of the" to "of".

Claim 19 line 38 change "envelop" to "envelope".

REMARKS

The examiner objected to minor informalities in the specification and claims. Applicant reconsideration. The corrections have been correspondingly made. Allowance is requested.

Respectfully Submitted

Derrick Michael Reid

Derrick Michael Reid

CERTIFICATE OF MAILING

I, hereby certify that this correspondence is being deposited in the United States Postal Service in an envelope with First Class full postal prepaid thereon addressed to: Commissioner of Patent and Trademarks, Washington D.C. 20231.

Date: 1/24/02

Derrick Michael Reid

Derrick Michael Reid